

1976

## c 51 The Municipal Amendment Act, 1976 (No. 1)

Ontario

© Queen's Printer for Ontario, 1976

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes](http://digitalcommons.osgoode.yorku.ca/ontario_statutes)

---

### Bibliographic Citation

*The Municipal Amendment Act, 1976 (No. 1)*, SO 1976, c 51

### Repository Citation

Ontario (1976) "c 51 The Municipal Amendment Act, 1976 (No. 1)," *Ontario: Annual Statutes*: Vol. 1976, Article S6.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1976/iss1/S6](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1976/iss1/S6)

## CHAPTER 51

### An Act to amend The Municipal Act

*Assented to June 22nd, 1976*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1 and amended by 1973, chapter 175, section 1, is further amended by inserting after "443" in the amendment of 1973 "450". s. 1,  
par. 13a,  
amended
2. Section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 9, is repealed and the following substituted therefor: s. 35,  
re-enacted

35. Every person is qualified to hold office as a member of a council of a local municipality, Qualifica-  
tion of  
candidates

(a) whose name is entered on the polling list of electors for election of members of the council or who is entitled to have his name entered on such list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of *The Municipal Elections Act*, 1972; and 1972, c. 95

(b) who is not disqualified by this or any other Act from holding such office.

3. Subsection 2 of section 207 of the said Act is repealed. s. 207 (2),  
repealed
- 4.—(1) Subsection 1 of section 250 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 175, section 2, is further amended by adding thereto the following clause: s. 250 (1),  
amended

(ca) "optional service" means,

(i) service with any municipality or local board in Canada,

(ii) service with the civil service of Canada or of any province of Canada,

(iii) service with the staff of any board, commission or public institution established under any Act of Canada or any province of Canada, or

(iv) war service.

s. 250 (1) (d),  
re-enacted

(2) Clause *d* of subsection 1 of the said section 250, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 2, is repealed and the following substituted therefor:

(d) "service" means employment of an employee by a municipality or local board and may include optional service;

(da) "war service" means active service during World War II or the Korean War,

(i) in His or Her Majesty's naval, army or air forces or in the Canadian or British Merchant Marine, or

(ii) in any naval, army or air force that was allied with His or Her Majesty's forces and that is designated by the Lieutenant Governor in Council,

providing satisfactory proof of such service is produced.

s. 250 (4),  
amended

(3) Subsection 4 of the said section 250, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 2 and amended by 1975, chapter 56, section 2, is further amended by striking out "with the municipality or local board" in the ninth and tenth lines.

s. 288 (6),  
amended

5.—(1) Subsection 6 of section 288 of the said Act is amended by striking out "at one time and" in the first line.

s. 288,  
amended

(2) The said section 288 is amended by adding thereto the following subsection:

All  
debentures  
rank  
equally

(19) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest

thereon with all other debentures of the municipality except as to the availability of any sinking funds applicable to any particular issue of debentures.

6. Clause *b* of subsection 5 of section 291 of the said Act is <sup>s. 291 (5) (b),  
re-enacted</sup> repealed and the following substituted therefor:

(*b*) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America.

7. Subsection 1 of section 291*a* of the said Act, as enacted <sup>s. 291*a* (1),  
re-enacted</sup> by the Statutes of Ontario, 1972, chapter 124, section 4, is repealed and the following substituted therefor:

(1) Notwithstanding any other provisions of this Act, a <sup>Term  
debentures</sup> local municipality having a population of not less than 20,000 as determined under *The Ontario Unconditional Grants Act, 1975, c. 7*, may provide in any money by-law for the issuing of debentures that a portion of the debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

8. Subsection 10 of section 304*a* of the said Act, as re-enacted <sup>s. 304*a* (10),  
re-enacted</sup> by the Statutes of Ontario, 1974, chapter 136, section 8, is repealed and the following substituted therefor:

(10) The clerk of every municipality that levies a tax <sup>Notifica-  
tion of  
amount of  
assessment  
increase</sup> under this section shall, on or before the 15th day of March in each year, transmit to each body for which the municipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8, and where a municipality has, in the preceding year, levied a rate on commercial and industrial assessment in a defined area of the municipality only, the statement of that municipality shall also show,

(*a*) the rates levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the rates levied on such assessment in defined areas of the municipality only;

(*b*) the whole of the commercial and industrial assessment of public school supporters according to the last revised assessment roll for the preceding year;



- (c) the commercial and industrial assessment of public school supporters subject to rates levied on assessment in defined areas of the municipality only;
- (d) the total amount levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the amounts levied on such assessment in defined areas of the municipality only;
- (e) the amount levied pursuant to this section in the preceding year; and
- (f) the rate determined pursuant to subsection 8 for purposes of calculating the amount that would have produced the amount mentioned in clause *e*.

s. 312 (2) (a)  
(iii, iv),  
re-enacted

9. Subclauses iii and iv of clause *a* of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, are repealed and the following substituted therefor:

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

R.S.C. 1970,  
c. B-1

(iv) promissory notes of a metropolitan, regional or district municipality, or of a municipality as defined in *The Municipal Affairs Act*, or of a conservation authority established under *The Conservation Authorities Act*; or

R.S.O. 1970,  
cc. 118, 78

s. 354 (1),  
par. 50,  
re-enacted

10. Paragraph 50 of subsection 1 of section 354 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 15 and 1975 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

Industrial  
sites

50. For acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application  
of receipts  
where debt  
outstanding

- (a) Where land has been acquired under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land,

other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless on the vote of the council the use of such moneys is directed for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality.

R.S.O. 1970,  
c. 255

- (b) Any land acquired under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Municipal Affairs Act*, for the purposes of such board.  
Use of land by municipality or sale to local board  
R.S.O. 1970,  
c. 118
- (c) Where it appears to the council that any land acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may sell or dispose of the whole or any part of such lands for any purpose.  
Disposal of land when no longer required
- (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act*, 1973, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.  
Agreement with development corporation  
1973, c. 84

11. Section 395 of the said Act is repealed and the following substituted therefor: s. 395,  
re-enacted

395.—(1) The council of a municipality may expend in any year such sum as it may determine for the purpose of diffusing information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.  
Expenditures for publicity

Industries  
department  
and  
commissioner

(2) The council of a municipality having a population of not less than 5,000 may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.

Pooling  
of  
funds

(3) Any two or more municipalities may pool their funds and act jointly for the purposes of this section.

s. 447a,  
enacted

**12.** The said Act is amended by adding thereto the following section:

Where no  
injunction,  
etc., to be  
granted

447a.—(1) Notwithstanding the provisions of any Act, no injunction shall be granted or order made by the judge of any court,

(a) for the removing of an alteration or diversion made in a highway; or

(b) for avoiding or setting aside any conveyance or proceedings by which a municipality has acquired land for diverting or altering a highway,

pursuant to a by-law heretofore passed by the council of a municipality pursuant to this or any other general or special Act, by reason only of the fact that the council failed to comply with the conditions mentioned in clauses *a* and *b* of subsection 1 of section 446.

Interpre-  
tation

(2) For the purposes of subsection 1, "municipality" includes a regional, metropolitan and district municipality.

Saving

(3) Nothing in this section affects or prejudices the rights of any person to a claim for damages against the municipality in respect of such alteration or diversion.

Idem

(4) Nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this section comes into force, or affects the outcome of any action, litigation or other proceeding instituted on or before the day this section comes into force, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been enacted.

s. 472 (1),  
re-enacted

**13.** Subsection 1 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor:



(1) No person is qualified to be elected a trustee or to vote at the election thereof unless,

Qualifica-  
tion,  
trustees  
and  
electors

(a) his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; or

(b) he is entitled to have his name entered on such polling list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of *The Municipal Elections Act, 1972* <sup>1972, c. 95</sup> and he is a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

14.—(1) Clause *b* of subsection 3 of section 507 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 21, is repealed and the following substituted therefor:

s. 507 (3) (b),  
re-enacted

(b) 85 per cent of the equalized residential and farm assessment; and

(2) The said section 507 is amended by adding thereto the following subsections:

s. 507,  
amended

(3a) Where the regional registrar of the Assessment Review Court has not certified in any year in accordance with section 47 of *The Assessment Act* the last revised assessment roll of any township, town or village for taxation in that year, the equalized assessment for that year of such municipality for purposes of subsection 2 shall be based on the assessment roll as returned to the clerk of such municipality pursuant to section 46 of *The Assessment Act*.

Where no  
certified  
last  
revised  
assessment  
roll  
R.S.O. 1970,  
c. 32

(3b) Where the equalized assessment of a township, town or village has been computed in accordance with subsection 3a and the calculation of the amount required to be provided for county purposes by such municipality pursuant to subsection 4 is based upon that equalized assessment, the clerk of such municipality shall forthwith upon receiving the last revised assessment roll for the municipality for taxation in that year forward a statement of the actual equalized assessment for the municipality to the clerk of the county in which the municipality is located and the clerk of the county shall forthwith adjust accordingly the amount to be provided for county purposes by such municipality pursuant to subsection 4 and any overpayment or under-

Adjustment  
when last  
revised  
assessment  
roll  
certified



payment by a municipality shall be subtracted from or added to, as the case may be, the amount required from that municipality for county purposes in the subsequent year pursuant to this section.

s. 507 (7),  
re-enacted

(3) Subsection 7 of the said section 507 is repealed and the following substituted therefor:

Amendment  
to  
by-law

(7) Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 24th day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

s. 527 (3),  
re-enacted

**15.**—(1) Subsection 3 of section 527 of the said Act is repealed and the following substituted therefor:

Penalty  
for non-  
payment  
of taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

s. 527 (4),  
repealed

(2) Subsection 4 of the said section 527 is repealed.

s. 527 (5),  
re-enacted

(3) Subsection 5 of the said section 527 is repealed and the following substituted therefor:

Discount  
or  
interest on  
payments in  
advance

(5) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

(a) to allow a discount on any taxes so paid in advance at a rate not exceeding 12 per cent per annum and may allow interest at a rate not exceeding 12 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or

(b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding 12 per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are

to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made, and a by-law passed under this subsection remains in force from year to year until it is repealed or amended.

- 16.** Subsections 1 and 2 of section 553 of the said Act are repealed and the following substituted therefor: s. 553 (1),  
re-enacted  
s. 553 (2),  
repealed

(1) Notwithstanding any special Act, the treasurer, collector, or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of 12 per cent per annum, or such lower rate as the council of the local municipality determines, from the 31st day of December in the year in which the taxes were levied until taxes are paid. Interest  
on tax  
arrear

- 17.**—(1) This Act, except sections 8, 14, 15 and 16, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 8, 14, 15 and 16 come into force on the 1st day of January, 1977. Idem

- 18.** This Act may be cited as *The Municipal Amendment Act, 1976*. Short title

